

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

BOYNTON BEACH FIREFIGHTERS'  
PENSION FUND on behalf of itself and all  
others similarly situated,

Plaintiff,

v.

HCP, INC.; HCR MANORCARE, INC.;  
LAURALEE MARTIN; TIMOTHY SCHOEN;  
PAUL A. ORMOND; and STEVEN M.  
CAVANAUGH,

Defendants.

No. 3:16-cv-01106-JJH

Judge Jeffrey J. Helmick

**NOTICE OF NON-OPPOSITION BY ALBERT J. BELLE TO COMPETING MOTIONS  
FOR APPOINTMENT AS LEAD PLAINTIFF AND APPROVAL OF LEAD COUNSEL**

On July 11, 2016, pursuant to Section 21(D)(a)(3)(B) of the Securities Exchange Act of 1934, as amended by the Private Securities Litigation Reform Act of 1995 (the “PSLRA”), 15 U.S.C. §78u-4(a)(3)(B), Albert J. Belle (“Movant”) timely filed a motion for appointment as lead plaintiff and approval of his selection of counsel in connection with the above-captioned securities fraud class action. Two similar motions were filed by other putative class members in these actions.

The PSLRA provides a presumption that the “most adequate plaintiff” to represent the interests of class members is the person or group that, among other things, has “the largest financial interest in the relief sought by the class.” §15 U.S.C. 78u-4(a)(3)(B)(iii)(I). Having reviewed the competing motions and supporting papers provided by the other movants seeking appointment as lead plaintiff, it appears that Movant does not possess the “largest financial interest in the relief sought by the class” as required by the PSLRA.

However, were the Court to determine that the other lead plaintiff movants with losses larger than Movant are incapable or inadequate to represent the class in this litigation, Movant remains willing and able to serve as lead plaintiff or as class representatives. By this Notice of Non-Opposition, Movant does not waive his rights to participate and recover as class members in this litigation.

Respectfully Submitted,

/s/ Katherine Connor Ferguson

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**CERTIFICATE OF SERVICE**

I hereby certified that on July 28, 2016, a copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Katherine Connor Ferguson

Katherine Connor Ferguson